

Susan A. Musser, DC Bar # 1531486
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Attorney for Plaintiff Federal Trade Commission

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

FEDERAL TRADE COMMISSION,
STATE OF ARIZONA,
STATE OF CALIFORNIA,
DISTRICT OF COLUMBIA,
STATE OF ILLINOIS,
STATE OF MARYLAND,
STATE OF NEVADA,
STATE OF NEW MEXICO,
STATE OF OREGON, and
STATE OF WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and
ALBERTSONS COMPANIES, INC.,

Defendants.

Case No.: 3:24-cv-00347-AN

**DECLARATION OF SUSAN A. MUSSER
IN SUPPORT OF JOINT MOTION FOR
EXTENSION OF TIME**

I, Susan A. Musser, declare as follows:

1. I am Chief Trial Counsel for the Federal Trade Commission Bureau of Competition. I am over the age of 18 and counsel of record for Plaintiff Federal Trade Commission in the above-captioned action. I make this declaration based on personal knowledge. I make this declaration in support of the parties' Joint Motion for Extension.

2. On Friday, July 19, 2024, the Federal Trade Commission was broadly impacted

MUSSER DECLARATION

by a global technology outage, apparently caused by a cybersecurity tool update. *See generally* Cristiano Lima-Stron & Cat Zakrzewski, Microsoft's Global Sprawl Comes Under Fire After Historic Outage, Washington Post (July 20, 2024), at <https://www.washingtonpost.com/technology/2024/07/20/microsoft-outage-crowdstrike-regulatory-scrutiny/>.

3. As of Saturday, July 20, several attorneys on Plaintiffs' litigation team have been impacted by the outage and have been unable to access their laptops. At this time, my understanding is that these attorneys may need to obtain new laptops, which will not happen before Tuesday, July 23.

4. All of the affected attorneys are involved in preparing Plaintiffs' memorandum of law in support of their preliminary injunction motion; several have primary drafting responsibilities.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 21, 2024, in Washington, DC.

/s/ Susan A. Musser

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